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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,856	02/27/2002	Douglas U. Mennie	47171-00373USD1	6222
30223	7590	07/31/2007		
NIXON PEABODY LLP 161 N. CLARK STREET 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER OSBORNE, MATTHEW C	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/084,856

**Applicant(s)**

MENNIE ET AL.

**Examiner**

Matthew Osborne

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 258-261 is/are pending in the application.
- 4a) Of the above claim(s) 262-266 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 258-261 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :20020227, 20020613, 20021029, 20030317, 20030415, 20060807.

### **DETAILED ACTION**

This is the first action on the merits for Application 10/084856.

Claims 212-257 are cancelled, claims 262-266 are withdrawn pending clarification, and claims 258-261 are elected. Claims 258-261 are examined.

### ***Election/Restrictions***

1. In response to Applicant's remarks dated 4/17/2007, the Examiner agrees with Applicant regarding the disposition of claim 262, and has amended the Examiner's Requirement for Restriction to place claim 262 in Group I. The Examiner has further amended the Requirement for Restriction to place claims 263-266 in Group I, as depending from claims previously placed in Group I.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 258-261 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avnet et al. (5,291,003) in view of Tran et al. (5,440,108).

4. Re Claims 258-261, Avnet discloses a "modular cash card system design," which comprises:

- [Claim 258] receiving money inputted from said customer including at least bulk mixed coins; (see at least 2:3)

Art Unit: 3694

- dispensing a card having a storage medium for storing a monetary value that is related to said total inputted value. (see at least 2:9)
- [Claim 259] receiving a credit card from said customer so as to deduct an amount from a line of credit from said credit card (see at least 2:3-21)
- [Claim 261] wherein said receiving money includes receiving bills from said customer. (see at least 2:3)

Avnet does not specifically disclose discriminating between authentic and non-authentic forms of money, determining a total inputted value of authentic money, adding an amount from a line of credit or receiving instructions from a customer regarding the amount to deduct from a line of credit. However, Tran discloses a "system and method for dispensing and revaluing cash cards" which includes "validating systems such as bill validators or ... credit and debit card validators" (see at least Abstract), "value accumulation by the controller circuitry equivalent to the total of the value of the bills inserted" (see at least 3:51-68), and allowing the user to select an amount to be deducted from a credit or debit card as inputted value (see at least Figure 10B, Step 754). It would therefore be obvious to one of ordinary skill in the art at the time of invention to incorporate the validation, accumulation, and user interface elements of Tran into the system design of Avnet in order to implement the design of Avnet in a functional manner.

**Conclusion**

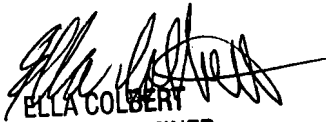
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Osborne whose telephone number is 571-272-7325. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Osborne  
Examiner  
AU 3694

MS

  
ELLA COLBERT  
PRIMARY EXAMINER